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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/769,405	01/26/2001	Arthur W. Lauder	143-3US	4701

20212 7590 05/29/2002

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EXAMINER

SCHIFFMAN, JORI

ART UNIT	PAPER NUMBER
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3679

DATE MAILED: 05/29/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/769,405	Applicant(s) LAUDER, ARTHUR W.	
	Examiner Jori R. Schiffman	Art Unit 3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) ____ is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
 If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☒ None of:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____ |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>2</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Canada on January 15, 2001. It is noted, however, that applicant has not filed a certified copy of the foreign application as required by 35 U.S.C. 119(b).

Specification

1. The disclosure is objected to because of the following informalities: On page 3, lines 13-14, the number given to the term "openings" not in accordance with the drawings. Instead of "openings 34" it should read --openings 32--. Also, on page 3, line 2, "extending" should read --extend--. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2, 5 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Silva (US 4168393).

Regarding claim 1, Silva discloses a rod coupling comprising a tubular housing 12 having a first box and a second box end, the tubular housing having an interior surface

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16 defining a bore extending along the tubular housing from the first box end to the second box end, the tubular housing having an exterior surface 48, plural openings 52 extending transversely through the housing from the interior surface to the exterior surface, and a coating 14 (col. 2, l. 52-53) on the exterior surface of the tubular housing and covering the plural openings.

As to claim 2, the coating 14 extends into the openings 52.

Referring to claim 5, the openings 52 are distributed uniformly around the tubular housing.

Regarding claim 6, the openings 52 are distributed in plural rows.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4 and 7-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Silva (US 4168393).

Regarding claim 4, Silva discloses openings 52 that extend from the exterior surface of the housing to the interior surface. Silva fails to disclose the openings tapering from the exterior surface towards the interior surface. Applicant is reminded that a change in the shape of a prior art device is a design consideration within the skill of the art. In re Dailey, 357 F.2d 669, 149 USPQ 47 (CCPA 1966). Accordingly, it would have

been obvious at the time the invention was made to a person of ordinary skill in the art to add a taper to the openings in Silva's housing.

Regarding claim 7, Silva discloses a rod coupling comprising a tubular housing 12 having a first box and a second box end, the tubular housing having an interior surface 16 defining a bore extending along the tubular housing from the first box end to the second box end, the tubular housing having an exterior surface 48, plural openings 52 extending transversely through the housing from the interior surface to the exterior surface, and a coating 14 (col. 2, l. 52-53) on the exterior surface of the tubular housing and covering the plural openings. Silva fails to disclose a string formed of plural rods connected by plural rod couplings. Applicant is reminded that duplicating the components of a prior art device is a design consideration within the skill of the art. In re Harza, 274 F.2d 669, 124 USPQ 378 (CCPA 1960). Accordingly, it would have been obvious at the time the invention was made to a person of ordinary skill in the art to duplicate Silva's rod coupling to form a string of plural rods connected by plural rod couplings.

As to claim 8, Silva discloses openings 52 that extend from the exterior surface of the housing to the interior surface. Silva fails to disclose the openings tapering from the exterior surface towards the interior surface. Applicant is reminded that a change in the shape of a prior art device is a design consideration within the skill of the art. In re Dailey, 357 F.2d 669, 149 USPQ 47 (CCPA 1966). Accordingly, it would have been obvious at the time the invention was made to a person of ordinary skill in the art to add a taper to the openings in Silva's housing.

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Referring to claim 9, the openings 52 are distributed uniformly around the tubular housing.

Regarding claim 10, the openings 52 are distributed in plural rows.

As to claim 11, the coating 14 extends into the openings 52.

6. Claims 3 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Silva (US 4168393) in view of Edge (US 272033).

Regarding claims 3 and 12, Silva discloses the claimed rod coupling except for the coating extending through the openings to form knobs inside the tubular housing.

However, the formation of knobs would occur naturally since there is not anything to prevent the coating from extending into the bore, as discussed by Edge (lines 41-45).

Therefore, it would have been obvious at the time the invention was made to a person of ordinary skill in the art for the coating on Silva's housing to form knobs when it extends through the openings.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited further to show the state of the art with respect to rod couplings in general: U.S. Pat. No. 89373 to Abbott, U.S. Pat. No. 2224145 to Dugan et al., U.S. Pat. No. 4653953 to Anderson et al., U.S. Pat. No. 4668117 to Bair, U.S. Pat. No. 5057263 to Bengtsson, U.S. Pat. No. 5069485 to Allen et al., and U.S. Pat. No. 5248080 to Stapleton.

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The following patents are cited further to show the state of the art with respect to procedures for applying coatings in general: U.S. Pat. No. 2071921 to Dickson, U.S. Pat. No. 2770864 to Weese, U.S. Pat. No. 3091176 to Wall, and JP No. 5-38768.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jori R. Schiffman whose telephone number is 703-305-4805. The examiner can normally be reached on M-Th, and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne Browne can be reached on 703-872-9325. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-3179.

Jori R. Schiffman
Examiner
Art Unit 3679

JS
May 17, 2002


Lynne H. Browne
Supervisory Patent Examiner
Technology Center 3679